



United States Department of Agriculture

# Hicks-Pikes Peak Allotment Grazing Authorization

## *Response to Comment Report*



Forest Service

Tonto National Forest, Globe Ranger District

February 2021



# Responses to Comments for the Hicks Pikes Peak Grazing Authorization Project

Many comments submitted for the Preliminary Environmental Analysis for this project were either similar or referenced common themes. For brevity, responses to similar comments are grouped by topic below<sup>1</sup>. Other comments are addressed individually in the table that follows.

## Ortega Pasture Fence Project

The Ortega Pasture Fence Project, originally part of the Proposed Action in this project, was completed as a Categorical Exclusion in compliance with 36 CFR 220, and signed in 2018, in response to drought conditions. Per agency specific regulations, all NEPA projects must be scoped; however, per 36 CFR 220.4(e)(2), “no single scoping technique is required or prescribed”. The Ortega Pasture Fence Project, which is outside the scope of this project, was analyzed by the applicable resource specialists with input from the University of Arizona. These fences have now been constructed and became part of existing conditions of this Environmental Assessment (EA) and subsequently removed as part of the pasture and drift proposed fence projects in the EA. Cattle were authorized to graze in East Ortega pasture in 2018. West Ortega pasture has not been authorized for grazing, and will await the final decision notice in this project. Actions authorized in the Decision Memo for Ortega Pasture Fence Project are no longer within the current project’s decision space.

## Previous Projects

Several commenters refer to previous projects proposed on the Hicks Pikes Peak Allotment, and in particular, within the Lower Shute and Ortega pastures. Grazing has not occurred in the Lower Shute and Ortega pastures since 2002. In 2005, a decision notice was reversed, and was not implemented, outlining changes to management in these two pastures. A 2008 Annual Operating Instructions indicated that livestock were authorized in Lower Shute and Ortega pastures, this was an oversight and these pastures were never used in the grazing rotation. In 2018, a decision memo was signed which complied with NEPA and 36 CFR 220, which split the Ortega pasture into two pastures, East Ortega and West Ortega, by constructing a pasture division fence. Additionally, a drift fence was constructed on East Ortega pasture to keep livestock from accessing riparian habitat along the Salt River. These fences allowed grazing to resume in East Ortega pasture under the existing grazing authorization. Lower Shute and West Ortega pastures are not part of the current grazing management rotation, and use will be determined through a final Decision Notice.

## Proposed Authorization and Grazing Capacity

Desert ecosystems do not produce one type of forage for livestock so reliance on just one type of forage production may be misleading. According to Rangeland Analysis Guide 2013, grazing capacity based on forage or actual use must be tempered over time with other information.

Per Region 3 Chapter 90, “carrying capacity is a function of capability, forage production, proper use by livestock, and the level of management that is applied.” Grazing capacities cannot be viewed as being absolute or precise. These capacities for a particular landscape is highly dependent on factors that vary seasonally and yearly. Capacity is a general approximation of available range infrastructure, slope and distance to water, type of

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<sup>1</sup> Individual comment letters can be found in the project record.

livestock, and the allotments' multiple use goals, tempered with variable precipitation and fluctuations in the kind and amount of vegetation.

Once an estimation is made, often at annual operating instructions meetings, implementing a stock and monitor approach allows for the project to adapt management based on utilization levels, patterns of grazing, vegetation composition, and various other factors that inform if changes to management are necessary. Response to Monitoring Indicators, the basis of adaptability, takes into account these factors and outlines changes to continue to meet management objectives. As Stoddart et al. (1975) described, "[t]rue grazing capacity can be determined only by stocking with an estimated number of animals and watching the range trend."

The Natural Resource Conservation Service outlined several assumptions used and determined an estimated livestock capacity. Many shrub dominated or grass and shrub vegetation zones, which Hicks Pikes Peak Allotment is in, produces an average of 700 to 1,000 pounds of vegetation annually based on "very conservative production" figures (Womack 2017). This calculation shows that even using "very conservative production" figures, the permitted livestock numbers can be supported even under conservative grazing utilization of 30 percent.

## **Grazing in the Sonoran Desert**

The allotment is made up of several vegetation types, each with different native grasses and shrubs. Conservative utilization standards vary for species monitored depending on vegetation type, specifically focusing on native palatable perennial grasses. Data is gathered for upland perennial grasses uses different monitoring protocol than shrubs. Upland shrub utilization is collected typically on jojoba in Sonoran Deserts. When trend or seasonal monitoring data is gathered, it is combined with weather patterns, plant regrowth, and any previous year disturbance to inform possible changes to management, if necessary. For example, if utilization levels are above conservative levels, the Forest would consider adjusting livestock management. Options such as moving cattle early, resting or deferring pasture use, or considering a cool season strategy is outlined in the Response to Monitoring. This cycle of monitoring, adjusting, and monitoring, allows for variability in the vegetation types that occur on Hicks Pikes Peak allotment, including the Sonoran Desert.

## **Drought**

According to the most recent Arizona Drought Monitor Report for January 2018 (ADWR 2018), Arizona is experiencing a long term severe and sustained drought that began in the early 1990's. A standardized precipitation index (SPI) helps inform land managers and permittees of a deviation in precipitation from what is expected as normal. The Southwest Region of the Forest Service recommends grazing allotments should be evaluated for drought conditions when an SPI of negative 1.00 or less is reached over a preceding 12-month period (USDA Forest Service Southwest Region, 2006).

Once this is triggered, an interdisciplinary allotment evaluation is conducted to identify drought effects on an individual plant and landscape basis. Factors to consider such as local precipitation data, current monitoring indicators, stocking levels, and available water sources. Such outcomes may necessitate change, which is outlined in the Response to Management Actions section.

Current permitted livestock numbers are dominated by an adult cattle herd. The proposed authorized numbers changes that balance to allow for more flexibility to use yearlings for fewer months than an adult livestock herd. This proposed adjustment allows for more flexibility, especially during droughts.

## **Riparian Areas**

Compliance with the utilization standards identified in the proposed action (EA, Table 14, Allowable Use Thresholds) should maintain or result in slow improvement of riparian conditions. If these utilization standards are exceeded, a series of management actions such as the examples outlined in the Response to Monitoring

section in the EA will be taken to protect riparian areas. These management actions could include constructing range improvements outside of riparian areas, changing season of use, reducing livestock numbers, resting pastures, and identifying areas for exclosure fencing.

## Climate Change

Climatic changes over the next several years and decades indicate warmer and drier conditions may develop in the southwest. A recent summary of scientific information provided in Rangelands (Archer 2008) notes that these projections would likely affect vegetation and ecosystem processes in the Southwest. With warmer temperatures, current boundaries of southwestern deserts, including the Sonoran desert, will likely expand to the north and east. Nonnative perennial grasses utilize winter rain for growth more effectively than native grasses, which may result in increased fire activity in desert ecosystems which are not adapted to fire. Although the potential effects of climate change on southwestern deserts are known, there is currently a lack of long-term monitoring data available to separate the effects of changes in climate from the effects of other drivers such as land use. Response to monitoring actions and strategies are increasingly important in arid and semi-arid regions in order to respond to fluctuations in precipitation instigated by climate change. Response to monitoring actions included in the Proposed Action allow grazing management to be modified due to many factors, including climatic factors, which will avoid any significant cumulative effects. Responses to monitoring and strategies outlined for drought preparation, both within the Proposed Action and within Forest Service policy, would offset drastic changes to livestock management.

## Cool Season Grazing Alternative and Range of Alternatives

In compliance with the National Environmental Policy Act, the EA analyzed an alternative that would eliminate all grazing within the allotment, the proposed action that identifies the maximum authorized use, and a seasonal grazing alternative that was eliminated from detailed study. The deciding official has the opportunity to determine the authorized use for this project within the range of these alternatives. The level of specificity that the commenter is asking for in the “seasonal grazing alternative” is within the range of the EA. The Response to Monitoring Section in the analysis covers changes to monitoring that may lead to adjustments in livestock management, including short term or long term seasonal grazing strategies. If changes are necessary for livestock management, they would be made through administrative avenues, such as annual operating instructions.

## Cost of Range Improvements

Costs associated with these structural range improvements would not be allocated solely based on this decision but rather would be implemented as time, priorities, and funding would allow. The Final EA is not a cost benefit analysis of livestock grazing on National Forests. Often, the permittee themselves install these improvements reducing costs. Additionally, the government, through the *Granger-Thye Act of April 24, 1950*, as amended, allows a portion of those fees generated through the permitting of livestock on the National Forest System lands to be used by the Forest for range betterment. Those funds may be used for projects such as those described under the proposed action. Funds from the Environmental Quality Incentive Program (EQIP), which are grants issued through the NRCS, could also be used for implementation of those projects. Additionally, due to the interest in providing new water sources in the desert southwest, several individual groups have also contributed their own time, material, and supplies to help implement similar structural range improvement projects like those listed in the proposed action. Requests for specific information about how these particular improvements would be paid for is outside the scope of the decision for this project.

## New Range Improvements in Salt River Canyon Wilderness

At the time it was signed into law, special provisions were made within the *1969 Wilderness Act* pertaining to grazing. “The grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture” (*Section 4(d)(4)(2)*). Additionally, “as stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas

ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests. This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range” (Forest Service Manual 2323.22). These improvements were analyzed in the Recreation Resources, Wilderness Area section of the EA.

## **Narrow Headed Garter Snake**

In accordance with Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species) and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species including the Federally Threatened Narrow-headed Gartersnake (*Thamnophis rufipunctatus*). This Biological Assessment, which included an analysis of livestock management practices, determined the proposed project activities may affect, but is not likely to adversely affect Narrow-headed Gartersnakes. In compliance with the Endangered Species Act, the Forest Service submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of affects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service issued a Letter of Concurrence to the Forest Service. This Letter of Concurrence states:

“We [U.S. Fish and Wildlife Service] anticipate effects to gartersnakes or its habitat from livestock, livestock grazing, or range management action are insignificant and discountable because gartersnakes are likely either absent or at very low density within the action area, no authorized grazing will occur within the Salt River or Pinal Creek floodplains, and there are no stated effects to the gartersnake’s fish prey base.”

Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment.

## **Southwestern Willow Flycatcher**

Forest Service biologists made an initial determination included in the PEA that proposed Hicks-Pikes Peak Allotment Grazing Authorization Project activates would result in adverse effects to the Southwestern Willow Flycatcher (*Empidonax traillii extimus*) and its critical habitat. This initial determination reflected the original project proposal which included grazing in or near riparian habitat either known to be occupied or potentially suitable for the species. Project activates included in this original proposal may have directly degraded habitat and/or may have significantly increased Brown-headed Cowbird (*Molothrus ater*) nest parasitism.

Under the National Environmental Policy Act, Endangered Species Act, and Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species), the Forest Service is directed to minimize project impacts on listed species. Since the original initial determination was made, Forest Service staff worked with the Hicks-Pikes Peak Allotment permittee to modify the proposed action to minimizing impacts to Southwestern Willow Flycatcher.

The current proposed action does not authorized livestock grazing within flycatcher habitat along the Salt River and Pinal Creek floodplains. This excludes grazing from designated critical habitat. Additionally no off-road travel, water developments, fence building, and other improvements within the Salt River or Pinal Creek floodplains where Southwestern Willow Flycatcher habitat occurs will be authorized. Further, a seasonal restriction during the essential flycatcher breeding season (May through July) for the Upper/Lower Shute Pasture, West/East Ortega Pasture, and Mud Springs Wash/Storm Canyon 40-acre holding pasture property to reduce the potential attraction of Brown-headed Cowbirds to suitable Southwestern Willow Flycatcher habitat. In accordance with Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species) and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the

Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species including the Federally Endangered Southwestern Willow Flycatcher and designated critical habitat for the species. This Biological Assessment, which includes discussion of relevant information from the Southwestern Willow Flycatcher Recovery Plan, determined the proposed project activities may affect, but is not likely to adversely affect the species. In compliance with the Endangered Species Act, the Forest Service submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of affects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service issued a Letter of Concurrence to the Forest Service.

Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment. In response to this comment, discussion of direct and indirect effects on Southwestern Willow Flycatcher in the EA has been updated. Additionally, the affect determination for the species in the EA has been changed from *Likely to Adversely Affect* to *Not Likely to Adversely Affect*.

## Yellow Billed Cuckoo

In response to this comment, discussion of direct and indirect effects ON Yellow-billed Cuckoo in the EA has been updated to clarify that Yellow-billed Cuckoo (*Coccyzus americanus*) are known to breed on private lands along Pinal Creek. The species is also known to breed within one mile of the allotment to the north along Coon Creek. Additionally, Yellow-billed Cuckoo are regularly detected during Southwestern Willow Flycatcher surveys along the Salt River near Roosevelt Lake approximately three to five miles northwest of the allotment boundary. Yellow-billed Cuckoo have not been detected in the potentially suitable habitat patches found on Forest Service managed lands within the allotment boundary. These patches of potentially suitable habitat are smaller than those typically used by the species in other areas. Regardless of size, these potentially suitable habitat patches will continue to be excluded from grazing.

In accordance with Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species) and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species including the Federally Threatened Yellow-billed Cuckoo. This Biological Assessment determined the proposed project activities *may affect, but is not likely to adversely affect* the species. In compliance with the *Endangered Species Act*, the Forest Service submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of affects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service issued a Letter of Concurrence to the Forest Service. Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment.

## Mexican Gray Wolf

The Forest Service is an active participant in the Mexican Wolf Recovery Program, a multi-agency cooperative effort, and is committed to the recovery of the species. In coordination with the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department, the Forest Service reviewed all current data on Mexican Gray Wolf occurrence in the region. Based on the most current information, species occurrence in Arizona is primarily on eastern/northeastern portions of the Apache-Sitgreaves National Forest, eastern portions of the San Carlos Apache Reservation, and eastern portions of the Fort Apache Indian Reservation (Mexican Wolf Recovery Program Monthly Update; July 1- 31, 2020). In accordance with the *Endangered Species Act* and in consultation with the U.S. Fish and Wildlife Service, the Forest Service determined this project would have *No Effect* on Mexican Gray Wolf. In compliance with the Letter of Concurrence the Forest Service received from the U.S. Fish and Wildlife Service for this project, if new information on the distribution or abundance of listed species becomes available, this determination may need to be reconsidered.





Comment #	Comment	Response
1	Page 37. Existing Structural Improvements: While we understand that existing improvements may not have been constructed to current standards, we request that existing improvements that may currently pose a risk of harm to wildlife be prioritized for repair/upgrade.	The Proposed Action defines the sideboards and the design features and specifications that new range improvements must comply. However, as range improvement inspections occur, if it is determined some level of repair is necessary for functionality or safety, these improvements will be prioritized prior to implementing new projects.
2	Pages 55-57. Table 12: Water Sources and Inventory Data for the Hicks-Pikes Peak Allotment: The data presented in this table are incomplete or outdated. Many water sources are lacking any information while for others, the information presented is more than ten years old. We recognize that this table may not accurately reflect current conditions but we request that maintenance monitoring of and repairs to water source improvements (particularly those noted as lacking a wildlife escape ramp) be given high priority per our comments above.	The Proposed Action defines the sideboards and the design features and specifications that new range improvements must comply. However, as range improvement inspections occur, if it is determined some level of repair is necessary for functionality or safety, these improvements will be prioritized prior to implementing new projects.
3	The alternatives do not adequately reflect the fact that livestock grazing on these allotments is not an activity the permittees are assured of engaging in.	Qualifications to hold a grazing permit can be found in the Grazing Permit Administration Handbook R-3 Supplement (2209.13 Chapter 10). In addition, there are two alternatives analyzed in detail in the EA. One does not authorize grazing, while the other will. According to NEPA, one alternative, or a modification of an alternative, will be chosen by the district ranger as outlined in the draft decision notice. Once this decision is signed, additional NEPA compliance would be required to change grazing authorization for the allotment. If non-compliance with the permit occurs, we would follow direction in the Grazing Permit Administration Handbook R-3 Supplement (2209.13 Chapter 10).
4	There is insufficient information regarding any historic or culturally significant structures or objects in the project area found in the EA. Because the project area is rich with archaeological, historic, and cultural sites, the use of an EA is inappropriate. Because the current EA dismisses the importance of these sites and because the public has not	Exact locations of sites are not generally released to the public for the protection of these resources. However, since the preliminary EA was released for public comment, surveys for historic properties have been completed in compliance with the Programmatic Agreement referenced in the EA, and the analysis has been updated to incorporate a summary of these findings and appropriate mitigation measures.

Comment #	Comment	Response
	had an opportunity to review and comment on this project in light of the existence of those sites, the Forest Service cannot proceed, must revise the current environmental analysis, and allow another opportunity for review and comment.	More information can be found in the updated Heritage Resources section of the EA.
5	It is therefore important for the Forest Service to recognize that the need for this project should be to determine whether or not to continue livestock grazing on the allotment and to do so only when it will not impair the productivity of federal public lands. It is not the job of the Forest Service to simply provide for livestock grazing on public lands because an application has been submitted or livestock permittee has economic interests in doing so. While the permittee may really want to continue grazing his livestock on federal public lands, they have no “right” to do so and the Forest Service is not required to allow livestock grazing on the allotment or through the sheep driveway without first determining whether doing so is appropriate in light of the ecological conditions on the ground.	The Multiple Use-Sustained Yield Act of 1960 (16 U.S.C. §§528 et seq.) authorizes the Secretary to, among other things: administer national forests for ..., range...and “to develop the surface renewable resources of the national forests for multiple use and sustained yield of several products and services to be obtained from these lands”. Qualifications to hold a grazing permit can be found in the Grazing Permit Administration Handbook R-3 Supplement (2209.13 Chapter 10). In addition, there are two alternatives analyzed in detail in the EA. One does not authorize grazing, while the other will. According to NEPA, one alternative, or a modification of an alternative, will be chosen by the district ranger as outlined in the draft decision notice. Once this decision is signed, additional NEPA compliance would be required to change grazing authorization for the allotment.
6	the proximity to and overlap with specially designated areas requires a higher level of analysis in light of the intensity and context of this specific project. Similarly, the presence of threatened and endangered species and designated critical habitat in the project area raise the level of analysis necessary to ensure compliance with federal regulations. See 40 C.F.R. §§ 1508.27(a) (context), b (intensity)).	In accordance with Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species) and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species and their critical habitat. This Biological Assessment determined the proposed project activities <i>may affect, but are not likely to adversely affect</i> Southwestern Willow Flycatcher, Southwestern Willow Flycatcher critical habitat, Yellow-billed Cuckoo, and Narrow-headed Gartersnake. In compliance with the <i>Endangered Species Act</i> , the Forest Service submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of effects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service

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		<p>issued a Letter of Concurrence to the Forest Service. Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment. The context and intensity of the effects to these species and other wildlife can be found within the Wildlife Resources section of the EA, as well as the attached Finding of No Significant Impact. Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.</p>
7	<p>There are several federally listed threatened or endangered species within this project area. The EA minimizes the impacts of livestock grazing on these species and fails to adequately address the significance of the existence of these species and their habitat in the project area.</p>	<p>In accordance with Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species) and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species and their critical habitat. This Biological Assessment determined the proposed project activities <i>may affect, but is not likely to adversely affect</i> Southwestern Willow Flycatcher, Southwestern Willow Flycatcher critical habitat, Yellow-billed Cuckoo, and Narrow-headed Gartersnake. In compliance with the Endangered Species Act, the Forest Service submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of affects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service issued a Letter of Concurrence to the Forest Service. Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment. The context and intensity of the effects to these species and other wildlife can be found within the Wildlife Resources section of the EA, as well as the attached Finding of No Significant Impact. Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the impacts from the actions being analyzed raise to the</p>

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		level of significance, as defined by NEPA, that would require the preparation of an EIS.
8	It appears that the Forest Service has not compared the known plant species in the project area to the Arizona rare plant lists or the Forest Service sensitive species lists. The project record should include a list of plant collections found in all of the allotments that are part of this project from the SEINet database ( <a href="http://swbiodiversity.org/seinet/collections/index.php#">http://swbiodiversity.org/seinet/collections/index.php#</a> ). The Forest Service should review these lists to see if there are any plants that require further analysis. Is there a plan to monitor for impacts to these species and if so, what actions will be taken if impacts occur?	In accordance with Agency Policy (Forest Service Handbook 2670.32 - Sensitive Species), the Forest Service reviewed the Hicks-Pikes Peak Allotment Grazing Authorization Project to assess potential effects on sensitive plant species. Sensitive species occurrence records in Forest Service datasets as well as in the Arizona Game and Fish Department Heritage Data Management System were reviewed. Additionally, field and desktop habitat assessments were completed as well as the Arizona Game and Fish Department Environmental Review Tool was used to assess the occurrence of suitable habitat for sensitive species. A total of 14 Forest Service sensitive plant species may occur or have habitat in the action area. This information is included in the Hicks-Pikes Peak Allotment Grazing Authorization Project Environmental Assessment and potential impacts to sensitive species are analyzed in the document (refer to section Forest Service Sensitive Species, page 112).
9	The EA inadequately analyzes the impacts of livestock grazing to native wildlife species that are affected by social displacement due to livestock grazing	In accordance with the <i>National Environmental Policy Act</i> , potential affects of the proposed Hicks-Pikes Peak Allotment Grazing Authorization Project to native wildlife are analyzed in the Environmental Assessment (refer to section <i>General Wildlife</i> ).
10	The Forest Service must analyze at least one alternative that eliminates all livestock use of the driveway, including sheep use. The Forest Service must also analyze at least one alternative that reduces the number of AUMs for this project.	In compliance with the National Environmental Policy Act, the EA analyzed an alternative that would eliminate the all grazing within the allotment, the proposed action that identifies the maximum authorized use, and a seasonal grazing alternative that was eliminated from detailed study. The deciding official has the opportunity to determine the authorized use for this project within the range of these alternatives, including the reduction in the maximum AUMs with detailed rationale that would comply with the Administrative Procedures Act.
11	Upland vegetation is directly related to winter species richness and abundance of avian species. Strong and Bock, 1990. Overgrazing and destruction of grasslands are leading causes of bird imperilment in the southwest.	In compliance with the National Environmental Policy Act, the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment analyzes effects associated with the management of livestock on vegetation (refer to section Range and Vegetation).

Comment #	Comment	Response
	Finch, C. Ed. 2005. Livestock grazing has numerous known impacts to uplands, including the effects of range developments on habitat integrity. Fleischner 1994. This is an issue that has not been addressed in the EA and this shortcoming must be remedied	Existing vegetation conditions as well as utilization standards are identified in the document (refer to section Existing and Desired Future Conditions: Vegetation). Monitoring of vegetation utilization as well as adaptive management in response to monitoring are also identified in the document (refer to section Monitoring). Additionally, effects of the proposed action on wildlife and their habitats is analyzed by vegetation community (refer to section Effects by Vegetation Community).
12	The Forest Service has failed to acknowledge the potential existence of the Mexican gray wolf in the project area in this EA.5 This significant oversight must be corrected. The presence of this species, in addition to the yellow billed cuckoo, the Southwestern willow flycatcher, and the narrow-headed garter snake in the project area elevate the significance of this project considerably, precluding a Finding of No Significant Impact.	<p>In coordination with the U.S. Fish and Wildlife Service and the Arizona Game and Fish Department, the Forest Service reviewed all current data on Mexican Gray Wolf occurrence in the region. Based on the most current information, species occurrence in Arizona is primarily on eastern/northeastern portions of the Apache-Sitgreaves National Forest, eastern portions of the San Carlos Apache Reservation, and eastern portions of the Fort Apache Indian Reservation (Mexican Wolf Recovery Program Monthly Update; July 1- 31, 2020). In accordance with the Endangered Species Act and in consultation with the U.S. Fish and Wildlife Service, the Forest Service determined this project would have No Effect on Mexican Gray Wolf. In compliance with the Letter of Concurrence the Forest Service received from the U.S. Fish and Wildlife Service for this project, if new information on the distribution or abundance of listed species becomes available, this determination may need to be reconsidered.</p> <p>In accordance with Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species) and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species including the Southwestern Willow Flycatcher, Yellow-billed Cuckoo, and Narrow-headed Gartersnake. This Biological Assessment determined the proposed project activities <i>may affect, but are not likely to adversely affect</i> the Southwestern Willow Flycatcher, Yellow-billed Cuckoo, and Narrow-headed Gartersnake or their critical habitats. In compliance with the Endangered Species Act, the Forest Service</p>

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		submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of affects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service issued a Letter of Concurrence to the Forest Service. Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment.
13	There is vague information on supplemental feeding of livestock and how it will be monitored or enforced. Further, the EA states that off-road vehicles could be used to place supplements. EA at 45. There is nothing in the EA regarding the required use of weed-free feed or forage or any indication whether the region has a source of this important resource to ensure livestock grazing on public lands does not spread invasive species.	Language in the Environmental Assessment has been updated to reflect salt and salt supplements separate from supplemental feeding. Supplemental feeding is specific for livestock that are not getting the calories they need to sustain a healthy weight. This would include feeding hay, pellets, etc. This is not authorized on this allotment. If a cow is held in a corral, for shipping or medical reasons, approval must be received prior to any potential feeding. These are rare events.
14	Page 7. Existing Range Improvements: Improvements that are poorly designed or in disrepair have the potential to cause harm to wildlife. Harm can occur directly or indirectly; for example a drinker lacking an access/escape ramp may trap wildlife and directly cause mortality whereas a broken exclusion fence may indirectly harm wildlife by causing excessive grazing disturbance within a riparian or other sensitive area.	The Proposed Action defines the sideboards and the design features and specifications that new range improvements must comply. Maintenance of range improvements are assigned to the grazing permit holder and will be maintained to standards in the Forest Service Structural Range Improvement Handbook or as identified in the Proposed Action. As improvements are reconstructed, they will be rebuilt to the proposed standards. All existing and new water developments with open tops will be secured with a escape and access ramp for wildlife.
15	This need for conservation of Arizona's water supply has only strengthened over time as populations have grown throughout the state and reliance on both surface and groundwater supplies have increased. Therefore, we support this goal of improving ecological conditions on these grazing allotments with the understanding that this will lead to improved watershed conditions.	We appreciate your support of this project.

Comment #	Comment	Response
16	<p>(We) previously requested that activities related to improving water supplies or water yields, such as spring and well development, should be analyzed taking into account all applicable state laws regarding water rights, specially addressing the source of water, applicable water rights that will be utilized, the conveyance mechanism to utilize those rights, other affected water rights holders and water users, and, as appropriate, coordination with the Arizona Department of Water Resources.</p> <p>The preliminary EA provides the appropriate information related to water supplies and an evaluation of water sources that TNF anticipates will be utilized for stock watering purposes and presents an evaluation of current conditions and desired conditions for the springs and other water sources within the allotment.</p>	<p>We appreciate your review. We will continue to work with our partners to manage this valuable resource.</p>
17	<p>We absolutely do not want to see cattle grazing in or along the banks of the Salt River. The reasons for this are numerous, but we would like to point out that cattle cannot be kept in discrete pastures if grazing is permitted along or in the Salt River corridor. Cattle will wander up and down the river corridor, into and out of different pastures, and also cross the river to the other side if such a grazing strategy is permitted.</p>	<p>On most of the allotment edge, the Salt River is not a sufficient boundary, which would allow cattle to easily cross the Salt River during low flows. If cattle were able to cross the Salt River, they would easily find access to neighboring allotments, where they are not authorized to graze. Drift fences will be installed before livestock are authorized in pastures adjacent to the Salt River, to keep cattle from accessing the river.</p>
18	<p>the Forest Service must consider the following: range science shows that to improve conditions in riparian and upland areas where livestock grazing is allowed, changes in management are necessary. These changes include setting stocking rates based on currently available preferred forage species and today's consumption rates of livestock, enforcing utilization rates of less than 30% in upland and riparian areas, enforcing riparian stubble heights of &gt; 15.2 cm across the aquatic influence zone and floodplain, enforcing bank alteration levels of &lt; 20%, using riders to limit riparian use and distribute livestock, and providing rest, not deferment, so that sensitive native</p>	<p>Our proposed action identifies key elements: authorization, range improvements, monitoring, response to monitoring and Livestock Management Practices. Vegetations Utilization is on Table 12 which outlines use levels on riparian and upland plants. Several monitoring methods provide the scientific data used to evaluate any necessary Response to Monitoring.</p>

Comment #	Comment	Response
	grasses recover vigor and productivity prior to being grazed again. Carter et. al, 2017.	
19	The use of an EA for this project fails to comply with NEPA requirements.	Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.
20	As we note above, the sheer scope of this project clearly precludes the use of an EA and there are many reasons that a Finding of No Significant Impact is inappropriate.	Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.
21	Instead of using an EA to rubber stamp approval of livestock grazing on the Hicks-Pike Peak allotment, the Forest Service should be engaged in the NEPA process to determine whether or not to authorize livestock grazing on these lands. While where consistent with other multiple use goals and objectives, there is Congressional intent to allow grazing on suitable lands, and while this allotment may contain lands identified as suitable for domestic livestock grazing in the existing 1985 Forest Plan, there is nothing in the regulations controlling livestock grazing on public lands that requires livestock grazing to be permitted.	Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.
22	The Forest Service's usual policy of authorizing livestock grazing on an allotment-by-allotment basis using EAs is a clear example of breaking down an action into small parts or determining it is temporary in order to render the impacts individually insignificant. Here, the Forest Service is combining the significant negative impacts of a dramatic increase in the number of livestock on the lands with an industrial scale modification of the landscape to facilitate that increase, all within an ecologically sensitive area. Because livestock grazing occurs on multiple allotments	Per 40 CFR 1508.7, we have analyzed the cumulative impacts of the actions of this project by resource area in the EA. Each specialist determined the appropriate spatial and temporal bounds for this analysis, based on either existing law, regulation, policy or applicable science. Additionally, each resource area provided an affected environment in the EA that articulates the past actions that the commenter brings up. Furthermore, as indicated in the FONSI in the EA, none of the impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.



Comment #	Comment	Response
	covering generations of livestock ranchers and is authorized on a decade-by-decade system, the Forest Service has an obligation to analyze the impacts of livestock grazing on each allotment, to look at those impacts holistically to identify, disclose, and allow public comment upon, the actual, widespread, long-term, and significant impacts livestock grazing has on lands management by federal agencies for the public.	
23	On August 21 I submitted extensive comments on this project wherein, among other things, I accused the Globe Ranger District of implementing a massive new livestock management plan on this allotment without any NEPA review. This morning I received information from the National Resources Conservation Service (NRCS) that confirmed my suspicion. In response to my FOIA request, they sent me a list of all the recent EQIP grants they had paid to the allotment's permittee, Rockin Four Ranch LLC. You will see from the attached file that XXXXX Rockin Four Ranch LLC received \$228,485.48 in EQIP subsidies since he acquired the allotment's permit in 2006. Remember, all of these range improvements, and the resultant increases in cattle numbers, occurred during a severe drought without any sort of public notice - other than the Ortega Pasture Fence CE decision memo in 2018.	Range improvements are part of the existing conditions and are outside the scope of this decision. Maintenance of range improvements are assigned to the grazing permit holder and will be maintained to standards. The grazing permit holder may reach out to other agencies or groups to apply for funding on existing improvements.
24	The 1985 Forest Plan for the Tonto National Forest requires that watersheds should be managed so as to improve them to satisfactory or better condition (functioning properly). Here, the Forest Service is proposing to facilitate livestock grazing in watersheds that are already degraded in violation of the Forest Plan. This is especially problematic because the conditions contributing to the degraded watershed condition include poor riparian condition and poor soil condition, which can largely be attributed to the negative impacts associated	Watershed condition class is based on a 12-indicator model that examines multiple aspects of watershed condition. Within the four watersheds that make up 89% of the allotment (Sycamore Canyon-Salt River, Shute Springs Creek - Salt River, Horseshoe Bend Wash, and Lower Pinal Creek) the reasons for their status as functioning at risk or impaired vary and extend beyond watershed health related to range activities. For example, indicators rated as poor that contribute to the rating of impaired for Lower Pinal Creek include water quality associated with abandoned mines in the watershed, flow characteristics due to impoundments and the use of effluent, habitat fragmentation

Comment #	Comment	Response
	<p>with livestock grazing. PEA at 33. Please review our Appendix A, attached to these comments, for additional references regarding the significant negative impacts livestock grazing has on riparian areas and watersheds. More than doubling the number of AUMs for the project area will further degrade the watersheds in the project area, not improve them. Degrading these important watersheds is a significant effect that must be analyzed in an EIS, precluding a Finding of No Significant Impact.</p>	<p>from impoundments and roads, aquatic system dominance by non-native species, and lack of road maintenance; in addition to indicators ranked as poor that could be influenced by range management such a riparian area health, channel shape and function, soil productivity, and soil erosion. Rangeland condition is ranked as poor only in the Sycamore Canyon-Salt River watershed, it is ranked as fair in the other three watersheds. Regardless of the indicator status at the time of watershed condition class assessment, the EA includes actions that will improve watershed conditions related to range management such as the fencing of Pinal Creek and the Salt River and changes in management that will occur within upland and riparian areas should utilization rates be exceeded. Employing these management strategies should gradually improve the watersheds toward improved conditions. More information has been added to the Soils and Watersheds sections of the EA to clarify how watersheds were considered in the analysis. Details on each of the indicators for this and all watersheds is available at the Forest Supervisors Office.</p>
25	<p>Despite the fact that all watersheds in the project area are Impaired or Functioning at Risk, the Forest Service proposed to add more livestock to this area. There is no rationale in the EA explaining how a riparian area or watershed that is Impaired or Functioning at Risk livestock will improve condition with the addition of more livestock. This is perhaps because there is no scientific support for such a rationale.</p>	<p>Watershed condition class is based on a 12-indicator model that examines multiple aspects of watershed condition. Within the four watersheds that make up 89% of the allotment (Sycamore Canyon-Salt River, Shute Springs Creek - Salt River, Horseshoe Bend Wash, and Lower Pinal Creek) the reasons for their status as functioning at risk or impaired vary and extend beyond watershed health related to range activities. For example, indicators rated as poor that contribute to the rating of impaired for Lower Pinal Creek include water quality associated with abandoned mines in the watershed, flow characteristics due to impoundments and the use of effluent, habitat fragmentation from impoundments and roads, aquatic system dominance by non-native species, and lack of road maintenance; in addition to indicators ranked as poor that could be influenced by range management such a riparian area health, channel shape and function, soil productivity, and soil erosion. Rangeland condition is ranked as poor only in the Sycamore Canyon-Salt River watershed, it is ranked as fair in the other three watersheds. Regardless of the indicator status at the time of watershed condition class assessment, the EA includes actions that will</p>

Comment #	Comment	Response
		improve watershed conditions related to range management such as the fencing of Pinal Creek and the Salt River and changes in management that will occur within upland and riparian areas should utilization rates be exceeded. Employing these management strategies should gradually improve the watersheds toward improved conditions. More information has been added to the Soils and Watersheds sections of the EA to clarify how watersheds were considered in the analysis. Details on each of the indicators for this and all watersheds is available at the Forest Supervisors Office.
26	Unfortunately, the environmental impacts associated with livestock grazing are not scientifically controversial because they are well studied and the impacts are well-known to be highly detrimental to wildlife and watersheds. <sup>4</sup> However, livestock grazing on federal public lands is a highly controversial issue, especially in recent years with ranchers taking over a wildlife refuge in Oregon, failing to remove their errant livestock from federal public lands in Arizona and Utah, among other states, and with livestock ranching “advocates” threatening violence against federal employees for trying to enforce livestock grazing regulations designed to protect those federal lands. In areas where Mexican gray wolf reintroductions have occurred or where the wolves are likely to be found, livestock grazing is even more controversial because grave concessions to livestock ranchers are often made to the detriment of the wolf. This controversy over how federal public lands should be used and managed has not been addressed in the EA	The commenter is expressing an opinion, one that is not supported by applicable science and one that is outside the scope of this project. NEPA only requires the need to address controversy in an EA as it relates to the FONSI (40 CFR 1805.27(4)), which has been done in the project EA.
27	The Pleasant Valley Ranger District, for example, recently facilitated the implementation of a very expensive livestock management plan on the Bar X allotment without sufficient NEPA analysis. And the Cave Creek Ranger District has been making significant livestock management decisions without public input for the Red Creek Ranch, which holds the permits for the Red Creek,	Comment is an opinion and lacks "supporting reasons for the responsible official to consider" per 36 CFR 218.2. The cumulative effects sections found in the EA consider the effects of projects outside of the Hicks Pikes Peak Allotment to the extent those effects would overlap with the effects of this project. All others are considered outside the scope of this analysis. Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the

Comment #	Comment	Response
	Six Bar, and Skeleton Ridge allotments. There's probably more.	impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.
28	The Forest Service's decision for this project must not include any actions that would conflict with grazing suitability determinations, impair Wilderness character, or preclude an area for recommended Wilderness in the forthcoming Forest Plan revision.	At present, the Tonto national Forest is revising the land management plan. Each resource determined that the Proposed Action would comply with the current Forest Plan and identified how the Forest Plan was being interpreted to develop more site-specific management direction. Until the revised plan is signed, the 1985 Forest Plan is the guiding management document for which this project must comply. However, as a programmatic project is it reasonably foreseeable. To that end, we have reviewed all the applicable planning direction from the draft Forest Plan (released for public comment on November 14, 2019) and find the actions proposed in this project to be in compliance. The Forest's Environmental Assessment concluded that the proposed action would not conflict with grazing suitability determinations which will be monitored. Because proposed range improvements will be built of non-reflective materials out of the view of the vast majority of visitors the proposed action will not significantly affect the Wilderness character or preclude any Area for recommended Wilderness in the forthcoming Forest Plan Revision.
29	A portion of the Salt River in the project area has been classified as potentially eligible for Wild and Scenic River designation. PEA at 26. The planned infrastructure along the Salt River will negatively impact the potential for such a designation and the impacts of this have not been adequately analyzed in the PEA.	The majority of the proposed range improvements were analyzed as being constructed according to sideboards that include being built of non-reflective materials outside of the foreground viewshed. The vast majority of forest users experience the Upper Salt River by boat, so the planned infrastructure should go largely unnoticed and has been determined to not significantly impact the Wild and Scenic Outstandingly Remarkable Values and consequently the WSR eligibility or the potential of such a designation for this river segment. The Upper Salt River will be documented as eligible for its current ORVs in the upcoming Forest Plan Revision.
30	Do any of the proposed infrastructure "improvements" in this project preclude any Wild and Scenic River designations moving forward? This information must be	The majority of the proposed range improvements were analyzed as being constructed according to sideboards that include being built of non-reflective materials outside of the foreground viewshed. The vast majority of forest users experience the Upper Salt River by boat, so the

Comment #	Comment	Response
	disclosed and if the answer is yes, this would preclude a Finding of No Significant Impact.	planned infrastructure should go largely unnoticed and has been determined to not significantly impact the Wild and Scenic Outstandingly Remarkable Values and consequently the WSR eligibility or the potential of such a designation for this river segment. The Upper Salt River will be documented as eligible for its current ORVs in the upcoming Forest Plan Revision.
31	The Forest Service must address the cumulative impacts of unauthorized grazing by permittees in and adjacent to the project area. In 2016, the Government Accounting Office identified actions needed by federal agencies to improve the tracking and deterrence efforts on this front. See Appendix B.....With this information in mind, the Forest Service should, for this project, disclose the level of unauthorized grazing that has occurred on this allotment over the past 10 years, including incidents that were handled “informally,” including willful and non-willful incidents. The cumulative impact of unauthorized livestock grazing is undisclosed in this EA and this deficiency must be corrected.	The term grazing permit states only livestock owned by the permittee are authorized to graze under this permit, with all evidence of ownership provided to the Forest Service. All other livestock are unauthorized. There has been no documented unauthorized livestock on this allotment.
32	Trespass livestock is an additional concern regarding riparian impacts associated with, but not analyzed as part of this project. These issues have not been adequately disclosed and remain unanalyzed, in violation of NEPA. The Forest Service must adequately disclose, analyze and address these issues before this project can move forward.	The term grazing permit states only livestock owned by the permittee are authorized to graze under this permit, with all evidence of ownership provided to the Forest Service. All other livestock are unauthorized. There has been no documented unauthorized livestock on this allotment.
33	The issues with trespass/errant livestock on this allotment are not adequately discussed or analyzed. Because trespass livestock are not adequately disclosed or discussed in the EA, the public is not able to review or comment upon violations of the grazing permits, nor on potential Wilderness Act, NEPA, FLMPA, or other violations related to trespass livestock.	The term grazing permit states only livestock owned by the permittee are authorized to graze under this permit, with all evidence of ownership provided to the Forest Service. All other livestock are unauthorized. There has been no documented unauthorized livestock on this allotment.

Comment #	Comment	Response
34	The Forest Service should analyze the likelihood of trespass cattle making their way into the river corridor under the proposed alternative and how they will monitor and deal with the problem if it occurs.	The term grazing permit states only livestock owned by the permittee are authorized to graze under this permit, with all evidence of ownership provided to the Forest Service. All other livestock are unauthorized. This analysis only considers authorized activities.
35	In light of the well-documented ongoing inability of livestock operators and Forest Service personnel to prevent trespass livestock in riparian areas with the project area, the Forest Service cannot rely upon “well managed” livestock operations to artificially minimize the impacts of this project.	The term grazing permit states only livestock owned by the permittee are authorized to graze under this permit, with all evidence of ownership provided to the Forest Service. All other livestock are unauthorized. There has been no documented unauthorized livestock on this allotment.
36	It also appears that this wasn’t the only significant project that was implemented on the allotment without a NEPA analysis. A review of the allotment’s existing range improvements listed in the EA’s Appendix D shows that one of them, a windmill, was constructed in 2010. It also appears that others were recently constructed, as the lists are in chronological order and several improvements at the ends of the lists are lacking construction dates. They include 4 fences, 2 stock tanks, a water pipeline, and 6 corrals. If these were all built recently, it implies that a new livestock management plan was being implemented without NEPA analysis, as I am not aware of any decision notices that were issued for them. If I’m correct, this wouldn’t be the only place the Forest has been applying this “NEPA neutering” strategy.	These improvements are part of the existing conditions and are outside the scope of this decision. Reporting of year constructed for some improvements do not exist, especially if they are older, and dates may not always be available. Often dates are recorded at the beginning of the new grazing year as opposed the actual date of construction. The table the commenter references has been updated to reflect "Estimated Year Constructed".
37	The EA does not address the important issue of range suitability at all, only a reference to the suitability determination from the 1985 Forest Plan. There is no current analysis of suitable range in the EA for each the allotment, nor any updated verification of determinations made in the Forest Plans regarding livestock suitability.	This allotment contains lands identified as suitable for livestock grazing and continued livestock grazing is consistent with the Forest Plan goals, objectives, standards, and guidelines (Forest Plan, pages 24, 91-118). All Alternatives are filtered through the project's set of Desired Conditions, which were derived from the Forest Plan.
38	Therefore, we recommend the Forest Service revise the purpose and need for this project to reflect the true	This project complies with the Multiple Use and Sustained Yield Act, along with complying with the current forest plan, as amended.

Comment #	Comment	Response
	purpose and need, which is to determine whether livestock grazing is appropriate in the project area. If the Forest Service properly frames the purpose and need for this project, the alternatives developed and the environmental analysis that flow from a hard look at the impacts of those alternatives will provide a more accurate picture of the impacts of livestock grazing on the lands managed by the Forest Service for the public.	Impacts from this project have been fully analyzed in the EA in compliance with NEPA. Per 40 CFR 1508.13, we have determined through the use of a FONSI in the EA, that none of the impacts from the actions being analyzed raise to the level of significance, as defined by NEPA, that would require the preparation of an EIS.
39	Numerous new range improvements were proposed to facilitate the resumption of grazing in these pastures. They included 6.8 miles of fence, at least 7 watering troughs, 3 fences, 2 water storage tanks, 2 corrals, 4 water wells, and a system to pump water out of the Salt River and send it uphill to some pastures. Most of this proposed new livestock management infrastructure was located within the Salt River Canyon Wilderness. The total cost was likely several hundred thousand dollars, but there was no cost estimate included in the draft EA, nor did it say who would pay it. There was also no mention of whether or not the permittee owned a water right to divert water from the Salt River.	Under current Arizona Water law drilling of wells does not require a water right per se, it requires a permit to drill the well. If it were determined that these wells were pumping surface water the U.S. Forest Service would apply for and hold the water right and permit for the well(s). The Multiple Use Sustained Yield Act requires Forest Service to manage for multiple uses without specifically identifying the cost. Many of these range improvements fall under "Additional Infrastructure" and is proposed to be implemented at some later date, including sideboards to authorize projects in the future that are not specifically identified in this analysis. Cost may be accounted when projects are authorized through a separate permit modification.
40	the EA here is insufficiently critical of the need for livestock grazing in the Tonto National Forest within important habitat for wildlife species, especially threatened and endangered species that rely upon riparian areas for their habitat, including designated critical habitat. Wildlife habitat is a precious resource on this allotment and this fact is not adequately considered nor are the impacts of grazing to wildlife habitat adequately analyzed.	Under the National Environmental Policy Act, Endangered Species Act, and Agency Policy (Forest Service Handbook 2670.31 - Threatened and Endangered Species), the Forest Service is directed to minimize project impacts on listed species. Incompliance with this direction, the Forest Service worked with the U.S. Fish and Wildlife Service to identify project design features and conservation measures to minimize potential impacts. These measures include restricting project activities within sensitive riparian habitats along the Salt River and Pinal Creek floodplains. Further, a seasonal restriction was identified during the essential Southwestern Willow Flycatcher breeding season (May through July) for the Upper/Lower Shute Pasture, West/East Ortega Pasture, and Mud Springs Wash/Storm Canyon 40-acre holding pasture property to reduce the potential attraction of Brown-headed Cowbirds to suitable Southwestern Willow

Comment #	Comment	Response
		<p>Flycatcher habitat.</p> <p>In accordance with the above-mentioned Agency Policy and in coordination with the U.S. Fish and Wildlife Service, the Forest Service prepared a Biological Assessment for the Hicks-Pikes Peak Allotment Grazing Authorization Project analyzing project impacts on listed species and their habitat. This Biological Assessment determined that proposed project activates <i>may affect, but are not likely to adversely affect</i> Southwestern Willow Flycatcher, Yellow-billed Cuckoo, and Narrow-headed Gartersnake. In compliance with the Endangered Species Act, the Forest Service submitted this Biological Assessment to the U.S. Fish and Wildlife Service as part of the informal consultation process. In response to the determination of affects made in the Biological Assessment, on May 19, 2020 the U.S. Fish and Wildlife Service issued a Letter of Concurrence to the Forest Service. Analysis and determinations within the prepared Biological Assessment as well as the Letter of Concurrence have been incorporated into the Hicks-Pikes Peak Allotment Grazing Authorization Environmental Assessment.</p>
41	<p>Water quality impacts from E. coli haven't been adequately disclosed as they relate to livestock grazing, yet the Forest Service admits the Arizona Department of Environmental Quality recommends the Salt River stay designated as "Impaired" due to e. coli contamination. The reach of the Salt River from Pinal Creek to Roosevelt Lake is impaired due to e. coli contamination and this same stretch is designated for full body contact recreation. PEA at 29-30. The Forest Service cannot ignore the role livestock grazing has on e. coli contamination, nor can it ignore the risks to human health.</p> <p>In the analysis of water quality impacts, the Forest Service must disclose how removing water from the Salt River for livestock operations will exacerbate contamination for not only e. coli, but also copper, manganese, zinc, and pH.</p>	<p>Under the proposed action grazing will not occur along the Salt River. Should ADEQ develop a TMDL for Pinal Creek or the Salt River or any other stream within this allotment that includes e. coli from livestock as an impairment the USFS will work with ADEQ to change management to meet the requirements of the TMDL. The proposed action does not include removing water from the Salt River for livestock operations.</p>



Comment #	Comment	Response
42	Furthermore, while continued domestic livestock grazing may be consistent with the 1985 Forest Plan goals, objectives, standards, and guidelines, this Forest Plan is currently being revised and is woefully out of date.	Until such time as a revised forest plan is signed by the Forest Supervisor, the Tonto National Forest is being managed under the current forest plan per the National Forest Management Act.
43	Because the Tonto National Forest is in the midst of revising the 1985 Forest Plan, decisions made for this project must not foreclose management decisions that are yet to be made to update this 34-year-old plan.	Until such time as a revised forest plan is signed by the Forest Supervisor, the Tonto National Forest is being managed under the current forest plan per the National Forest Management Act. This project is subject to compliance with only the current plan, as amended.
44	<p>For all allotments in the project area, and from our review of the EA, there appear to be significant long-term negative impacts associated with livestock grazing that have been minimized in the analysis, resulting in an inadequate analysis of the intensity of these impacts to threatened and endangered species as well as specially designated areas.</p> <p>For example, the entire area is composed of watersheds that are Impaired or Functioning at Risk. See Watershed Condition Map at page 32 of the PEA</p>	<p>Watershed condition class is based on a 12-indicator model that examines multiple aspects of watershed condition. Within the four watersheds that make up 89% of the allotment (Sycamore Canyon-Salt River, Shute Springs Creek - Salt River, Horseshoe Bend Wash, and Lower Pinal Creek) the reasons for their status as functioning at risk or impaired vary and extend beyond watershed health related to range activities. For example, indicators rated as poor that contribute to the rating of impaired for Lower Pinal Creek include water quality associated with abandoned mines in the watershed, flow characteristics due to impoundments and the use of effluent, habitat fragmentation from impoundments and roads, aquatic system dominance by non-native species, and lack of road maintenance; in addition to indicators ranked as poor that could be influenced by range management such as riparian area health, channel shape and function, soil productivity, and soil erosion. Rangeland condition is ranked as poor only in the Sycamore Canyon-Salt River watershed, it is ranked as fair in the other three watersheds. Regardless of the indicator status at the time of watershed condition class assessment, the EA includes actions that will improve watershed conditions related to range management such as the fencing of Pinal Creek and the Salt River and changes in management that will occur within upland and riparian areas should utilization rates be exceeded. Employing these management strategies should gradually improve the watersheds toward improved conditions. More information has been added to the Soils and Watersheds sections of the EA to clarify how watersheds were considered in the analysis. Details</p>

Comment #	Comment	Response
		on each of the indicators for this and all watersheds is available at the Forest Supervisors Office.
45	After reviewing the document/reports we've determined the proposed plans will "Not have Adverse Effect" on the White Mountain Apache tribe's historic properties and/or traditional cultural properties.	We appreciate your input. Thank you for taking the time to review and respond to our project.
46	In our past comments, SRP suggested that the TNF fully analyze impacts of proposed activities on species covered in SRP's RHCP/ITP and their habitat, especially in those grazing allotments that border Roosevelt Lake, the Salt River near Roosevelt Lake, and in areas where these species may disperse when lake levels are high. This preliminary EA appropriately considered the goals of and impacts to the ITP and RHCP and analyzed the impacts of the proposed actions on the impacted species.	We appreciate your support of this project and possitive comments on our analysis.
47	SRP owns, operates, and maintains an electric power distribution line within the allotment area and a high voltage transmission line just outside of the allotment area. SRP works diligently to avoid and minimize the threat of wildfire and associated smoke to power infrastructure that can directly damage facilities and/or cause power outages to our customers and the public. Unplanned loss of transmission capacity, especially during time of high energy demand, can cause public safety concerns (e.g., loss of power to residences and care centers) and disrupt businesses causing high economic costs in both communities near the forest and in distant metropolitan areas. With these common goals to reduce wildfire risk, SRP supports the reduction of fuel loads to lower the future risk of outages and damage to SRP energy infrastructure caused by wildfires.	We appreciate your support of this project.

Comment #	Comment	Response
48	<p>We have reviewed the most current Schedule of Proposed Actions (SOPA) for the Tonto National Forest and we see that the Hicks-Pike Peak Allotment Grazing Authorization is listed as “On Hold.” This is contrary to the email we received from the Forest Service regarding this project. This discrepancy creates confusion, can result in some members of the public not commenting on this Preliminary EA despite being interested in this allotment, and is a significant problem for the Forest Service. Please explain the discrepancy and we strongly suggest that the notice for this project be properly disclosed in the SOPA1 and another comment period should be provided.</p>	<p>We are unsure when this electronic error the commenter references may have occurred in our online system, but when checked once we became aware of it, the project shows "in progress". However, per 36 CFR 218.24(c)(2), "The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to submit written comments on a proposed project or activity to be analyzed and documented in an EA." As such, we will not be providing any more opportunities to comment on this project.</p>
49	<p>Air quality issues have not been addressed at all. For air quality, the Forest Service should assess the impacts of livestock use at the currently authorized level on air quality, and compare that to a “no grazing” and the proposed action alternatives. The analysis should include the tens of thousands of acres disturbed by hoof action, wallowing, and other direct livestock activities.</p>	<p>The Forest Service acknowledges daily movement of livestock and activities associated with range management may generate dust and affect air quality in the immediate area while the activity is occurring. However, the amounts would be small and difficult to determine from the total particulates generated by the use of unpaved roads by passenger vehicles, road maintenance and other off-road vehicles and recreation activities in the project area. Best Management Practices would mitigate ground disturbance effects and the effects of livestock movement would be minimal and highly localized. The EA analyzed for resources that could have a significant effect to the human environment and air quality was not determined to be potentially significantly affected.</p>
50	<p>The allotment’s riparian habitat along the Salt River is, of course, protected from cattle because grazing will still not be permitted along the river. In the Water Quality and Quantity section of the EA, which begins on page 29, it states that Pinal Creek, short reaches of Mud Springs Wash, below Jump-off Spring, and Sycamore Canyon below Sycamore Spring, are the other perennial riparian areas located on the allotment. Lower Pinal Creek is apparently excluded from grazing. Regarding the riparian area in Mud Springs Wash, the EA says the riparian area was experiencing degradation by cattle in 2007, and by</p>	<p>The most recent data for these two riparian areas are identified in the analysis. Riparian standards and monitoring will occur in these two areas, and management actions would be implemented if changes were necessary to meet desired conditions.</p>

Comment #	Comment	Response
	<p>2012 “there were no herbaceous species, no regeneration of woody species.” The EA describes a similar story for the riparian area in Sycamore Canyon. It says the riparian area in Sycamore Canyon was in better shape in 2008 than in 2012, when it “showed moderate to high use on seedlings and heavy trailing and trampling.” In fact, Table 9 in the EA shows that these two riparian areas are now in such bad shape that there’s not enough vegetation left in them to use grazing utilization monitoring as a management tool! On May 6, 2015, the District issued a modification of the allotment’s grazing permit that specifically required the permittee to comply with the Forest’s riparian use guidelines. (This was 9 years after the permittee acquired the grazing permit for the allotment.) Because these guidelines have been in place since at least 2015, and compliance with them is the basis of the proposed action’s riparian habitat protection measures, it’s essential to know if these two riparian areas have shown any improvement since then. The EA, however, doesn’t include any information about them after 2012, which was seven years ago. Please provide the current condition of these two riparian areas.</p>	
51	<p>he authorization of livestock grazing by federal land managers does appear to ensure that future livestock grazing will continue, even when doing so is outside the law and regulations the agency is bound to follow. Furthermore, public lands ranching provides an economic boon to livestock operators and entrenches the concept of welfare ranching, which is made explicit in the PEA, as we noted with the problematic “purpose and need” statements.</p>	<p>Comment is an opinion and lacks "supporting reasons for the responsible official to consider" per 36 CFR 218.2.</p>